IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2521 OF 2004

Sukhminder Singh Hundal .. Petitioner
V/s
The State of Maharashtra & Ors. .. Respondents

Mr.M.P.S.Rao with Mr.Prakash M.Shah for the Petitioner.
Mr.K.R.Belosey, AGP for Resp.Nos.1 to 4.
Mr.C.S.Kapadia i/by Rustomji & Ginwala for Res.No.5.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 06.04.2005.

P.C.:

1. Petition was initially filed as a Public Interest Litigation. A learned Bench of this Court, after hearing the parties, by an order dated 7th July, 2004 observed that the petition can not be treated as a petition in public interest and accordingly petition came to be converted as a regular petition.

2. From the averments in the petition, it is clear that the petitioner himself has no right or is not personally aggrieved. It is however the contention of the petitioner that there are 29 persons who are eligible. If that be so, it is for those 29 persons if their applications have not been considered, either to file petition or to take such other steps in law.

3. To entertain the petition or permitting the addition of parties, the basic requirement is that the petitioner who has approached the Court must himself have a legal

right. It is only then, the addition of parties can be permitted. In the instant case, the petitioner himself has no legal right. It is not a fit case for us to entertain the petition. It will be open to those who are affected to approach the Court if in law they are entitled to.

4. It is made clear that if the 29 persons who are eligible and have applied to the Monotoring Committee for consideration, then their applications will not be rejected on the ground that the present petition is disposed of. Their applications will be disposed of, based on the merits of their own cases.

5. With the above observations, petition stands disposed of.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)